



THE JHARKHAND GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY

15 Baishakh, 1942 (S)

No. 189

Ranchi, Tuesday, 5th May, 2020

LAW DEPARTMENT

NOTIFICATION

17th July, 2018

The Jharkhnad Advocates' Welfare Fund Rules, 2018

Notification No. A0/Vidhi (Niyamawali)- 06/2017- 2034/J, Date -17.07.2018.

In exercise of the power conferred by Section 31 of The Jharkhand State Advocates' Welfare Fund Act, 2012, the Governor of Jharkhand is pleased to frame the following Rules -

1. **Short title** – (i) These Rules may be called the Jharkhand Advocates' Welfare Fund Rules, 2018.
(ii) It shall come into force from the date of notification in the official gazette.
2. **Definitions** – In these Rules, unless the context otherwise requires:
 - (a) "Act" means the Jharkhand Advocates' Welfare Fund Act, 2012;
 - (b) "Form" means a form appended to these Rules;
 - (c) "Permanent disablement" means such disablement which incapacitates a person to continue his practice as an Advocate.
 - (d) "Practice" means carrying on the profession of Advocate;
 - (e) "Standing" means practice at the Bar.

(f) "Treasurer" means Secretary of the Welfare Trust Committee.

3. (1) The half yearly statement of income and expenditure of the fund shall be prepared in accordance with Form-I. The Secretary shall prepare the first half yearly statement for the period from 1st of April, to 30th of September and the second half yearly statement for the period from 1st of October to 31st of March of the succeeding year by the 15th of May and the same shall be submitted before the Trustee Committee for its approval. The report after approval shall be sent to the State Government and the State Bar Council within fifteen days of its approval.
- (2) The Secretary shall prepare the annual report for the financial year starting from 1st of April to 31st of March of the succeeding year by the end of June and the same shall be approved by the Trustee Committee, who shall send the same to the State Government and the State Bar Council within fifteen days of its approval.
- (3) The budget estimate of the income and expenditure for the income and expenditure for the next financial year shall be prepared by the Secretary and the same shall be placed before the Trustee Committee for approval before 31st of March every year.
- (4) The State Bar Council shall appoint a Chartered Accountant and get the accounts of the Trustee Committee audited once a year and remuneration to the Chartered Accountant shall be fixed by the State Bar Council for each year.
4. The Secretary shall maintain the following records and registers namely:-
- (i) Register of meeting of the Trustee Committee and minutes of such meeting.
 - (ii) Register of sums received and deposited in the Fund under separate heads as specified in sub-section (2) of section 3 of the Act;
 - (iii) Register of all sums collected under separate heads under section 16;
 - (iv) Register of members of the Fund;
 - (v) Register of payment to members of the Fund, their dependents, nominees and legal heirs under separate heads;
 - (vi) Register of members of the Fund under suspension;
 - (vii) Register of members of the Fund who have ceased to practice;
 - (viii) Register of all enquiries made by the Trustee Committee;

- (ix) Register of staff appointed by the Trustee Committee;
- (x) Record of all forms, application and other documents received;
- (xi) Record of all correspondence and other business transacted by the Trustee Committee;
- (xii) Register for Group Insurance of members of the Fund along with particulars of each members;
- (xiii) Register of income and expenditure.

5. Application for recognition and registration of Bar Association -

- (1) An application under section 14 of the Act by any Association of Advocates functioning in any Court Centre, Commission, Tribunal, Statutory Authority in the State of Jharkhand, to the Bar Council for recognition shall be in Form No. II.
- (2) Every application in Form No. II shall be accompanied by an authenticated copy of the Rules and/or By-laws of the Association, an up to-date list of the members of the Association showing their names, address, age, date of birth, date of enrolment, the roll number in the State roll maintained by the Bar Council under section 17 of the Advocates Act, 1961 (Central Act 25 of 1961), the place where the member ordinarily practices, the period of suspension (if any). Such application shall be duly signed by the President and Secretary of the Association.
- (3) The Certificate of Registration to be issued by the Bar Council shall be in Form No. III.
- (4) The State Bar Council may recognize and register more than one Bar Associations in District/ Sub division functioning in any field of law other than district courts/sub divisional courts for special reasons to be recorded in writing and may cancel the recognition and registration granted to a Bar Association, if it fails to carry out any of the duties specified in section 15 and section 23 of the Act and rules made by the State Bar Council;

Provided that no such orders cancelling recognition or registration shall be passed by the State Bar Council, without giving an opportunity of being heard.

6. **Application for membership** -(1) Every application under section 16 of the Act for admission as a member of the Advocate's Welfare Fund shall be in Form No. IV and such application shall be signed by the applicant and attested by the President or Secretary of the Bar Association of which he is a member.
- (2) An advocate having membership in more than one Bar Association shall be eligible to apply to be admitted as a member of the said Fund only from one of such Association.
- (3) An advocate applying for membership of the Fund shall pay a sum of Rs. 500 towards the application fee under Section 16(4).
- (4) Payment of the application fee and membership fee shall be by means of crossed Demand Draft drawn in favour of the Trustee Committee.
- (5) On admission as a member of the fund, the Trustee Committee shall issue a certificate in Form No. V.
- (6) The Trustee Committee shall prepare and maintain a register of members in Form No. VI.
- (7) Any decision of the Trustee Committee rejecting an application for admission shall be communicated to the applicant by registered post with acknowledgement due.
- (8) The Trustee Committee shall remove any member from the membership of the Fund if he fails to remit the Annual Subscription before the 30th June of that year.
- Provided that no such order removing the name of a member from the membership of the Fund shall be passed without giving him an opportunity of being heard.
7. **Re-admission to the Fund:-** (1) A person re-admitted to the Fund under sub-section (7) of section 16 of the Act shall be treated as a new member from the date of re-admission for all purposes of the Act.
- (2) For calculating the period of completed years of standing of a member referred to in sub-rule (1) for the purpose of payment under the Act, his standing in the Bar prior from the date of first admission up to his re-admission shall not be taken into account as member of the Fund.
- (3) An application for re-admission shall be in Form No. VII.
8. **Printing and distribution of stamps:** -(1) The stamp shall be printed in such number and at such press as may be decided by the State Government in accordance with Section 23.

(2) The state Government shall be the custodian of the stamp and it shall maintain the following records and registers –

- I. Register showing the order placed for the printing of stamps.
 - II. Register showing the stock of Stamps with the following particulars:-
 - (a) Serial Number
 - (b) Date
 - (c) Receipt
 - (d) Issue
 - (e) Balance
 - III. Ledger
 - IV. Cash Book
 - V. Receipt Book with inner foil, and
 - VI. The State Government shall maintain a Register of Accounts of the stamps printed, stamps sold during a financial year and the amount credited to the account of Trustee Committee under sub section 5 of the Section 23 showing details of number of welfare stamps printed and sold and the commission paid.
 - VII. Such other registers and records as may be directed by the state Government on the recommendation of the Trustee committee, from time to time.
- (3) Sale of Stamps shall be made by the State Government through the agency as provided in Section 23(4) of the Act.
- (4) The Advocate- General, Law Secretary, Government of Jharkhand, and Chairman, Bar Council, who are members of the Trustee Committee, shall be entitled to inspect the above Registers, Book and connected papers.

9. The office of the Trustee Committee shall be located at such place as may be decided by the State Bar Council.

10. (1) Meeting of the Trustee Committee shall ordinarily be held at the office of the Trustee Committee as decided by the State Bar Council.

(2) Seven clear days prior notice be given for the meeting of the trustee Committee.

(3) The quorum for a meeting of the Trustee Committee shall be three.

- (4) The meetings of the Trustee Committee shall be presided over by its Chairman and in his absence, by the Chairman of Bar Council and in his absence by a member chosen by the members present at the meeting.
 - (5) The date and time for a meeting of the Trustee Committee shall be fixed by the Secretary with the prior approval of the Chairperson and the Secretary shall convey the same to the members with seven days notice through registered post/e-mail/SMS etc.
 - (6) In case of urgency, the Chairperson may convene an emergent meeting of the Trustee Committee at short notice and such notice may be given either by telephone or e-mail or registered letter or through SMS or dasti.
 - (7) The agenda for every meeting of the Trustee Committee shall be prepared by the Secretary with the approval of the Chairperson and shall be circulated to the members.
 - (8) All matters brought before the meeting of the Trustee Committee shall be decided by a majority of the votes of the members present and voting. The Secretary shall not have any right to vote in any meeting.
 - (9) The Chairperson or the member, presiding over the meeting as Chairperson, shall have a casting vote in case of equal votes on a particular item on the agenda.
 - (10) It shall be open to any member to raise any matter with the permission of the Chairperson in the ongoing meeting which is not included in the agenda.
 - (11) The minutes of the meeting shall be recorded by the Secretary or any other official duly authorized by the Trustee Committee and the same shall be circulated to the members, as early as possible, after approval of the Chairperson.
 - (12) The approved minutes of the previous meeting shall be read and confirmed at the next meeting of the Trustee Committee.
11. (1) All administrative expenditure, payments and investments shall be prepared by the Secretary and approved by the Trustee Committee. An expenditure or payment of a contingent nature on one item may be sanctioned by the Chairperson up to Rs. 25,000/- (twenty five thousand rupees only) and by the Secretary up to Rs. 10,000/- (ten thousand rupees only) which shall be placed before the Trustee Committee for approval in its next meeting.

Any capital expenditure exceeding Rs 25,000/- (twenty five thousand rupees only) shall not be incurred without the previous sanction of the committee:

Provided that the Secretary shall have the powers to accord sanction on account of printing and purchase of stationary, postage expenses, office furniture and infrastructure, telephone bill, electricity bill and TA/DA Bills and other articles of day to day use in the office and other expenses not exceeding an amount of Rs. 10,000/- each.

(2) The Chairperson of the Trustee Committee shall have the power to accord sanction of travelling allowance and halting/daily allowance to the members of the Trustee Committee, disbursement of salary to the staff and other routine and unforeseen expenses of the Trustee committee, on the same terms as is provided for by the State Bar Council for its members.

(3) All payments shall be made by cheque and expenditure up to Rs. 10,000/- (ten thousand rupees only) may be made in cash.

12. (1) The Trustee Committee may appoint staff members and employees as may be required and sanctioned to carry out the functions of the Committee from time to time. The Trustee Committee shall also decide the qualifications, Salary and other terms and conditions on which staff member and employees may be engaged.

(2) The establishment of the Trustee Committee may consist of the following posts, namely;

1. Secretary- 1
2. Accountant- 1
3. Stenographer- 1
4. Clerk- 1
5. Peon- 2.

(3) The Trustee Committee may create such other temporary posts, as may be required from time to time.

(4) The Trustee Committee shall frame service rules for appointment and governance of staff members.

13. **Collection of amount due to the Fund :-** (1) The Bar Council shall transfer to the fund 20 percent of the enrolment fee collected during a Financial year. The State Government shall transfer the sale proceeds of the stamps after the payment of

commission to the account of the Fund as provided in Section 13 and Section 23 (5) of the Act respectively.

(2) The Chairman and Secretary-cum-Treasurer of the Trustee Committee shall also manage to collect all funds specified in sub-section (2) of section 3 of the Act and deposit the same in the Fund account forthwith. The Chairman and the Secretary-cum-Treasurer of the Trustee Committee will operate the Bank Accounts jointly but in absence of either Chairman or Secretary-cum-Treasurer of the Trustee Committee the operation of the Bank Account shall be done by any other member or members as authorized by the Trustee Committee from time to time.

14. **Functions of Trustee Committee** - (1) The Trustee Committee may receive application for payment out of the Fund by any member or his nominee/s or his legal representative/s, as the case may be, in Form No. VIII.
- (2) All disbursements of amounts payable under Section 17 of the Act shall be by account-payee-cheques signed by the Chairman and Treasurer.
- (3) The Trustee Committee shall send to the Bar Council and Government quarterly or Annual Reports showing the receipts and the disbursements from the Fund and other particulars. Such reports shall also be sent on such other occasion as may be required by the Bar Council or the Government.
- (4) All decisions of the Trustee Committee rejecting a claim to the benefit of the Fund shall be communicated to the applicant by registered post with acknowledgment due.
15. **Removal from membership:** - The Trustee Committee may, if satisfied that any person has got himself admitted to the membership of the fund by misrepresentation or suppression of any material fact or by fraud, remove the name of such person from the membership of the Fund after affording him opportunity of being heard. On such removal all benefits accrued to such member by virtue of the provision of the Act and these Rules shall stand forfeited.
16. **Reduction of amount on failure to intimate suspension of practice or retirement in respect of any case falling under Sub-section (12) of section 16 of the Act :-** The Trustee Committee may, after conducting such enquiry as it deems fit, reduce the amount payable to a member up to a maximum limit of 50 percent.

17. **Medical and Educational facilities** - (1) Any member may be allowed grant from the Fund-
- (I) In case of hospitalization for one month or more, or involving a major surgical operation, or
 - (II) On his suffering from tuberculosis, leprosy, paralysis, cancer unsoundness of mind or from other serious diseases or disabilities, or
 - (III) An educational aid to his or her dependents, on ground of merit.
- (2) The grant shall be allowed only after the Trustee Committee is satisfied about the genuineness of the claim.
- (3) The grant so allowed shall not exceed a sum of Rs. 20,000/- to any one for the purpose in clauses (I), (II), or (III) of Sub-rule (1) during a period of five years.
- (4) An application for medical aid shall be in Form No. IX and application for Education aid shall be in Form No. X.
18. (1) An appeal against any decision of the Trustee Committee shall lie to the State Bar Council within a period of thirty days from the date of receipt of the order and shall be in Form XI and upon payment of a fee of Rs. 200/- (Two hundred only).
- (2) The State Bar Council shall hear the parties in person or through counsel and decide accordingly.
- (3) The State Bar Council may, inquire in to the matter or may entrust the enquiry by the committee constituted by it.
- (4) While disposing of an appeal, the State Bar Council may pass any appropriate order or after recording reasons remand the matter to the Trustee Committee for fresh disposal.
19. Vakalatnama filed requiring a stamp under the Act shall not be considered, acted upon in any proceeding in any court of law. Tribunal Commission/Forum, other statutory authority or before any person legally authorized to take evidence, until the stamp has been cancelled in a manner as prescribed in section 30 of the Court Fees Act. 1870

(Sanjay Prasad)

Principal Secretary-cum-L.R.
Law (Judicial) Department
Government of Jharkhand

FORM-1
(see rule 3)

STATEMENT OF INCOME AND EXPENDITURE ACCOUNT

FOR THE YEAR FIRST HALF/ SECOND HALF /AND ANNUAL
STATEMENT ENDING ON _____

Income Head - Wise	Rupees	Expenditure Head- Wise	Rupees
1. _____		1. _____	
2. _____		2. _____	
3. _____		3. _____	
4. _____		4. _____	
5. _____		5. _____	
6. _____		6. _____	
	Total		Total

FOR THE YEAR ENDING 31ST MARCH _____

Particulars to be reported:

- a) Financial Highlights of collection of fund and distribution of head wise fund.
- b) Range of activities undertaken to promote welfare of members.
- c) New assets added during the year.
- d) Any other matter (s) as may be considered by the "Committee" and approved for reporting in the Annual Report.

Signature
Name
Designation
(With Seal)

Jharkhand Advocates' Welfare Fund Rules, 2018

FORM NO. II

[See Section 14 and Rule 3(1)]

{ Schedule – I**Application for Affiliation or Registration of Association under the Jharkhand Advocate's Welfare Act.}**

1. Name of Association :
2. Address :
3. Name of President :
4. Name of Secretary/General Secretary :
5. Strength of Association :

(Name, Father's Name, Date of Enrolment, Date of Birth and other details, if any, should be furnish separately of all the existing members)

6. Details of bank Draft :

(The Draft should be drawn in favour of "Jharkhand State Bar Council" Payable at Ranchi)

Draft No.

Date

Amount

Name of Bank

7. Copy of Rules of the Association:

Signature of Secretary

Signature of President

Advocates Act, 1961 and Professional Ethics

FORM NO. III

[See Section 14 and Rule 3 (3)]

THE BAR COUNCIL OF JHARKHAND

Certificate of Registration

The Jharkhand State Bar Council, do hereby certify that

Association is registered under section 14 of the Advocates' Welfare

Fund Act, 2012

And its registration no is given under my hand seal of the Jharkhand State
Bar Council

..... day of /20.....

Chairman

(Seal)

FORM NO. IV

[See Section 16 and Rule 4 (1)]

APPLICATION FOR ADMISSION TO THE WELFARE FUND

1. Name and address ...

(In block letters)

2. Age and date of birth of applicant ...

3. Date of enrolment under the Advocate ...

Act, 1961

4. Details of Practice ...

5. Place or Places of Practice ...

6. Suspension or discontinuance of Practice ...

(if any), with details of Suspension and
resumption

7. Name and address of nominee or ...

(with the proportion of share to
Or nominee to be paid to each nominee

8. Amount and date of payment to the Fund ...

Under Section 16 (4), (Receipt be attached)

9. Admission fee how paid ...

I, do solemnly affirm that the

Particulars furnished above are true and correct.

Place....

Signature of the Applicant

Date

Attested by:

President

Secretary

FORM NO. V

[See Section 16 (2) and Rule 4 (5)]

JARKHAND ADVOCATE'S WELFARE FUND TRUSTEE COMMITTEE

Certificate of Membership

The Jharkhand Advocates' Welfare Fund Trustee Committee Certify that

Sri/ Smt. Is admitted to the Member of the said Fund under Section 16(2) of Advocates' Welfare Fund Act, 2012.

Dated this day of20

Chairman

Seal

In case the applicant has practiced in practiced in more than one Court centres, Certificate from the President or Secretary of each Recognized Association has to be furnished.

FORM NO. VI

[See Rule 4 (6)]

**FORM OF REGISTER OF MEMBERS ADMITTED TO
THE WELFARE FUND**

Sl. No.			
Membership No.			
Name and address of member			
Name of Bar Association with which the member is associated			
Date of Birth with age			
Date of enrolment as Advocate			
Roll No in State Roll			
Date of admission to the Fund			
Standing or date of admission as stated under			
Remarks			

Chairman

FORM NO. VII

[See Section 16 (7) and Rule 5 (1)]

APPLICATION FOR RE-ADMISSION TO THE WELFARE FUND

1. Name and address (In block letters) ...
 2. Age and date of birth of applicant ...
 3. Date of enrolment under the ...
Advocate Act, 1961
 4. Details of Practice ...
 5. Place or Places of Practice ...
 6. Suspension or discontinuance of Practice ...
(if any), with details of Suspension and
Resumption (if any)
 7. Name and address of the ...
Nominee or nominees with the
proportion of share to be paid to each
 8. Amount and date of payment to the ...
Fund under Section 16 (3), (Receipt be attached)
 9. Admission fee how paid ...
 10. Date of previous admission to ...
The membership of the Fund
 11. Date of previous retirement ...
From the Fund
- I, do solemnly affirm that the Particulars
furnished above are true and correct.

Place....

Signature of the Applicant

Date.....

FORM NO. VIII

[See Section 17 and Rule 8 (1)]

APPLICATION FOR PAYMENT FROM THE FUND

1. Name and address (In block letters) ...

2. Age and date of birth of applicant member ...

3. Date of enrolment under the ...

Advocate Act, 1961

4. Date of enrolment under the ...

Advocate's Welfare Fund Act, 2012

5. Details of Practice ...

6. Place or Places of Practice ...

7. Complete years of practice excluding ...

Period of Suspension/Removal/and

Cessation of Practice

(1) Before the Act

(2) After the Act

8. Date of retirement/cessation of ...

Practice/death

Place....

Signature of the Applicant

Date.....

FORM NO. IX

[See Section 17 and Rule 12 (4)]

APPLICATION FOR MEDICAL AID

1. Name and address of the ...
Member (In block letters)
2. Age and date of birth of member ...
3. Date of enrolment of member ...
4. Name and address of the patient ...
Showing his relationship with the
Member
5. Name and address of the Medical ...
Practitioner who is attending the patient
6. Details regarding the disease ...
7. Amount required for the treatment ...

DECLARATION

I, do solemnly affirm that the Particulars furnished above
are true and correct.

Place....

Signature of the Applicant

Date.....

FORM NO. X

[See Section 17 and Rule 12 (4)]

APPLICATION FOR THE EDUCATION AID

1. Name and address of the Member ...
(In block letters)
2. Age and date of birth of member ...
3. Date of enrolment of member ...
4. Name and address of the student ...
and his relationship with
the member
5. Name and address of the institution ...
Where the student has been admitted
6. Details regarding the disease ...
7. Amount required for the treatment ...

DECLARATION

I, do solemnly affirm that the Particulars furnished above
are true and correct.

Place....

Signature of the Applicant

Date.....

FORM NO. XI

(See Rule 12)

JHARKHAND STATE BAR COUNCIL

Memorandum of Appeal

(Under Section 25 of the Advocates' Welfare Fund Act, 2012)

A W.F. Appeal No. _____ of _____

Between

Name and Address of the Appellant

Appellant

Versus

(Name and Address of the Trustee Committee)

Respondent.

1. The appellant files this appeal against the decision/order dated of the Respondent Trustee Committee.
2. Date of receipt of decision/ order.
3. Statement of facts.
4. Grounds of appeal.
5. The appeal is within limitation.
6. The appellant has paid Rs. 200/- (Two hundred only) as fees for the Appeal Vide receipt No. _____ dated _____
7. Relief claimed

Place:

Date:

(Appellant)

I,, do solemnly affirm that the Particulars furnished above are true and correct.

Enclosure

(Appellant)

1. Certified copy of the decision/order of the Trustee Committee.
2. Proof of payment of fee.
